

SEALED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT  
FILED AT WHEELING, WV  
5. AUG 27 2012  
NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL STEVEN FRANK,

Defendant.

Criminal No. 5:12-CR-28

Violations: 18 U.S.C. § 2  
18 U.S.C. § 371  
18 U.S.C. § 924(d)(1)  
18 U.S.C. § 982(a)(1)  
18 U.S.C. § 982(b)(1)  
18 U.S.C. § 1956  
18 U.S.C. § 1956(a)(2)(A)  
28 U.S.C. § 2461(c)

INFORMATION

The United States Attorney charges:

COUNT ONE

(Conspiracy)

1. From on or about February 7, 2012, and continuing through August 2, 2012, defendant MICHAEL STEVEN FRANK, together with others known and not known to the Grand Jury, did unlawfully, willfully, and knowingly conspire and agree among themselves, and with each other, to use the United States mail to smuggle firearms with obliterated serial numbers to foreign buyers who sometimes paid cash to defendant MICHAEL STEVEN FRANK in violation of Title 18, United States Code, Sections 554, 922(k), 1715, and 1956.

2. It was part of the conspiracy that foreign buyers, who did not have a license to export firearms from the United States, would send currency to defendant MICHAEL STEVEN FRANK to purchase firearms.

3. It was a further part of the conspiracy that defendant MICHAEL STEVEN FRANK would purchase firearms in the United States and obliterate their serial numbers.

4. It was a further part of the conspiracy that defendant MICHAEL STEVEN FRANK, who did not have a license to export firearms, would use the United States mail to smuggle firearms to buyers in other countries with documentation falsely indicating that the contents of mailed packages were items other than firearms.

Overt Acts

In furtherance of the conspiracy and to achieve the objects thereof, on or about each date alleged below, in the Northern District of West Virginia and elsewhere, a conspirator committed and caused to be committed at least the following overt acts:

1. On or about February 7, 2012, defendant MICHAEL STEVEN FRANK purchased a firearm, that is a Kel-Tec Model P-380, .380 caliber pistol, serial number KWW55.

2. On or about February 14, 2012, defendant MICHAEL STEVEN FRANK picked up the Kel-Tec Model P-380, .380 caliber pistol, serial number KWW55 that he had purchased on February 7, 2012.

3. On or about March 10, 2012, defendant MICHAEL STEVEN FRANK purchased four firearms, specifically, a Glock Model 17, 9mm caliber pistol, serial number KSA190; a Beretta Model 21A, .22 caliber pistol, serial number DAA52883; a Walther Model M&P 22, .22 caliber pistol, serial number MP11299; and a Walther Model P22, .22 caliber pistol, serial number L173820.

4. On or about March 13, 2012, defendant MICHAEL STEVEN FRANK mailed firearms with obliterated serial numbers to a conspirator in Canada.

5. On or about March 20, 2012, defendant MICHAEL STEVEN FRANK mailed firearms with obliterated serial numbers to a conspirator in Canada.

6. On or about March 28, 2012, defendant MICHAEL STEVEN FRANK purchased four firearms, specifically, a Glock Model 26, 9mm caliber pistol, serial number SXF434; a Glock Model 27, .40 caliber pistol, serial number SUN181; a Glock Model 22, .40 caliber pistol, serial number RYC703; and a Glock Model 23, .40 caliber pistol, serial number RDR466.

7. On or about April 3, 2012, defendant MICHAEL STEVEN FRANK purchased a firearm, that is a Glock Model 17, 9mm caliber pistol, serial number SET594.

8. On or about April 4, 2012, defendant MICHAEL STEVEN FRANK picked up the Glock Model 17, 9mm caliber pistol, serial number SET594 that he had purchased on April 3, 2012.

9. On or about April 23, 2012, defendant MICHAEL STEVEN FRANK mailed a package to a conspirator in Israel.

10. On or about May 1, 2012, defendant MICHAEL STEVEN FRANK obliterated serial number SET594 from the Glock Model 17, 9mm caliber pistol that he had purchased on April 3, 2012.

11. On or about May 1, 2012, defendant MICHAEL STEVEN FRANK mailed to a conspirator in Israel (a) a firearm, specifically a Glock Model 17, 9mm caliber pistol (minus the slide) from which he had obliterated the serial number SET594, with (b) a customs declaration falsely representing that the contents of the mailed package was a speaker.

12. On or about May 18, 2012, defendant MICHAEL STEVEN FRANK

purchased three firearms, specifically, a Smith & Wesson Model SW9VE, 9mm caliber pistol, serial number DYK1083; a Kel-Tec Model P-11, 9mm caliber pistol, serial number 109105; and a Kel-Tec Model P3AT, .380 caliber pistol, serial number HYD23.

13. On or about May 21, 2012, defendant MICHAEL STEVEN FRANK purchased two firearms, specifically, a Grendel Model P-10, .380 caliber pistol, serial number 22429 and a Star Model S.A., 9mm caliber pistol, serial number 32372.

14. On or about May 23, 2012, defendant MICHAEL STEVEN FRANK mailed firearms with obliterated serial numbers to a conspirator in Canada.

15. On or about May 23, 2012, defendant MICHAEL STEVEN FRANK mailed other firearms with obliterated serial numbers to a conspirator in Canada.

16. On or about June 1, 2012, defendant MICHAEL STEVEN FRANK purchased three firearms, specifically, a High-Point Model C9, 9mm pistol, serial number P1626256 and two SCCY Model CPX-1, 9mm caliber pistols, serial numbers 052885 and 052810.

17. On or about June 1, 2012, defendant MICHAEL STEVEN FRANK mailed firearms with obliterated serial numbers to a conspirator in Canada.

18. On or about June 4, 2012, defendant MICHAEL STEVEN FRANK purchased a firearm, that is a Ruger Model P345, .45 caliber pistol, serial number 665-06237.

19. On or about June 9, 2012, defendant MICHAEL STEVEN FRANK purchased three firearms, specifically, a Taurus Model PT, 9mm caliber pistol, serial number THL60293; a Ruger Model P95, 9mm caliber pistol, serial number 316-89055; and a Ruger Model SR40, .40 caliber pistol, serial number 342-28959.

20. On or about June 11, 2012, defendant MICHAEL STEVEN FRANK mailed firearms with obliterated serial numbers to a conspirator in Canada.

21. On or about July 6, 2012, defendant MICHAEL STEVEN FRANK received a cash payment in the amount of two thousand (\$2000) dollars from a conspirator in Canada who was purchasing two firearms, specifically a Glock Model 22, .40 caliber pistol and a Glock Model 17, 9mm caliber pistol.

22. On or about July 6, 2012, defendant MICHAEL STEVEN FRANK purchased for the Canadian conspirator two firearms, specifically a Glock Model 22, .40 caliber pistol, serial number KTW084 and a Glock Model 17, 9mm caliber pistol, serial number RZY394, using cash the defendant had received from the Canadian conspirator.

23. On or about July 6, 2012, defendant MICHAEL STEVEN FRANK obliterated serial numbers KTW084 and RZY394 from the firearms he had purchased that day.

24. On or about July 6, 2012, defendant MICHAEL STEVEN FRANK mailed to a conspirator in Canada (a) two firearms, specifically a Glock Model 22, .40 caliber pistol, serial number KTW084 and a Glock Model 17, 9mm caliber pistol, serial number RZY394 from which he had obliterated the serial numbers KTW084 and RZY394 with (b) a customs declaration falsely representing that the contents of the mailed package was a caulking gun.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Money Laundering)

On or about July 6, 2012, in the Northern District of West Virginia, defendant MICHAEL STEVEN FRANK did willfully cause a person not known to the grand jury to transport, transmit, and transfer funds, that is two thousand (\$2,000) dollars in United States currency, from a place outside the United States, that is Canada, to a place in the United States, that is Wheeling WV, with the intent to promote the carrying on of specified unlawful activity, that is smuggling firearms from the United States, in violation of Title 18, United States Code, Section 554.

In violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.


FORFEITURE ALLEGATION

*Gun Control Act*

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm involved in a violation of Title 18, United States Code, Section 371, including a Glock Model 17, 9 mm pistol, serial number SET594, a Glock Model 17, 9 mm pistol, serial number RZY394, and a Glock Model 22, .40 caliber pistol serial number KTW084.

*Money Laundering*

Pursuant to Title 18, United States Code, Section 982(a)(1) and Title 18, United States Code, Section 1956, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property, real or personal, involved in the Section 1956 offense, and any property traceable to such property, including a money judgment in the amount of at least \$2000.

  
WILLIAM J. IHLENFELD, II  
United States Attorney